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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,499	10/18/2001	William E. Bartasevich JR.	CREPP0154US	7503

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EXAMINER

MEREK, JOSEPH C

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/982,499

Applicant(s)

BARTASEVICH, JR. ET AL

Examiner

Joseph C. Merek

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the corresp ndenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001 .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, and 7-13 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, it is unclear how the joint is seamless since in the drawings there are seams between the hinge members. The remaining claims are included since they stem from rejected claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Moran, Jr. Regarding claim 1, see Figs 8-12, where the structure is shown. 40 and 46 are the force transmitting surfaces. Regarding claim 13, see Fig. 2.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Brink.

Regarding claim 1, see Figs. 5-8 where the force transmitting forces are shown.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kardell in view of Brink. Kardell teaches the claimed structure as seen in Figs. 19 and 20 but does not teach the force transmitting surfaces. Brink teaches a similar container but teaches the force transmitting surfaces. It would have been obvious to employ the surfaces of Brink in the container of Kardell to unload the hinge as taught by Brink. R

Claims 2, 3, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kardell in view of Brink as applied to claim 1 above, and further in view of Clark et al. Regarding claims 2 and 3, the modified container of Kardell I does not teach the alternating higher and lower connecting walls to the base. Clark et al teaches this claimed structure as seen in Fig. 1 and 5. It would have been obvious to employ the higher and lower base wall connection of Clark et al I the modified container of Kardell to provide alternate folding structure. Regarding claim 10, see the folding structure of Clark et al.

Claims 2, 3, 7-9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brink in view of Clark et al. Regarding claims 2 and 3, Brink does not teach the alternating higher and lower connecting g walls to the base. Clark et al teaches this claimed structure as seen in Fig. 1 and 5. It would have been obvious to employ the higher and lower base wall connection of Clark et al I the container of Brink to provide alternate folding structure. Regarding claims 7-9, Brink does not teach the exterior band with the ribs. Clark et al teaches this claimed structure as seen in Fig. 1 and 5. It would have been obvious to employ the band of Clark et al I the container of Brink to hold the walls up as taught by Clark et al. Regarding claim 10, see the folding structure of Clark et al.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brink or Moran, Jr. Regarding claim 11, official notice is taken that it is well known to make hinges of different materials or to make them separate from the container walls. It would have been obvious to employ a separate and different materials hinge to provide a stronger hinge member. Regarding claim 12, the only structure required by the claim is the fusing of the hinges. Official notice is taken that it is well known to fuse plastics tighter for bonding, for example heat sealing or thermal bonding. It would have been obvious to employ thermal bonding of the separate plastic hinges to eliminate the need for a separate adhesive.

Allowable Subject Matter

Claims 5, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

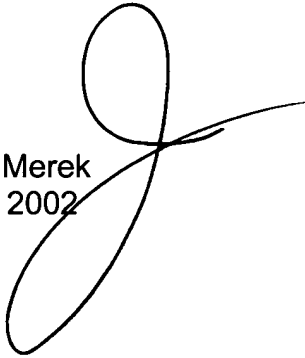
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Laarhoven et al Marovskisi cited for teaching integral hinges. is cited for teaching a T-shaped connection for a hinge. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is (703) 305-0644. The examiner can normally be reached on Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Joseph C. Merek
October 1, 2002

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke and a small upward flick.


LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700